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DATE: September 27, 2005

OPERATOR: Sue Dunbar

Re: USSN 9/972,112
Attorney Docket No. MP/202C

1. Letter of Transmittal (1 page)
2. Response to Final Office Action (3 pages)

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Attorney Docket No.: MP/202C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dorros et al.

Serial No.: 09/972,112

Filed: October 4, 2001

For: Apparatus and Methods for Treating
Stroke and Controlling Cerebral Flow
Characteristics

) Group Art Unit: 3731

) Examiner: Vix Nguyen

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Susan H. Dunbar

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

September 27 2005
(date of faxing document)

LETTER OF TRANSMITTAL

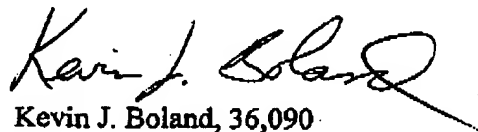
Dear Sir:

We enclose the following papers for filing in the U.S. Patent and Trademark Office in connection with the above-identified Patent Application:

1. Response to Final Office Action (3 pages)

THE COMMISSIONER IS HEREBY AUTHORIZED AND IS REQUESTED TO CHARGE ALL FILING FEES DUE UNDER 37 C.F.R. §1.16 AND ALL OTHER FEES DUE UNDER §1.17 DURING THE PENDENCY OF THIS APPLICATION TO OUR DEPOSIT ACCOUNT NO. 07-1729.

Respectfully submitted,



Kevin J. Boland, 36,090
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Date: September 27, 2005

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September 27 2005
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RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

In response to the Final Office Action mailed on June 27, 2005, Applicants present the following remarks.

Claims 1-9 and 22-35 are pending. Claims 3, 4, 10-21, 24, 31, and 34 have been withdrawn from consideration. Moreover, claims 1, 2, 5-9, 22, 23, 25-30, 32, 33, and 35 stand rejected. Reconsideration is respectfully requested in view of the following remarks.

Claims 1, 2, 7-9, 26, 27, and 30 stand rejected under 35 U.S.C §102(b) as being anticipated by Schnepf-Pesch et al. The Examiner asserts that Schnepf-Pesch et al. disclose in figure 2 a medical instrument for treating a vascular occlusion having the limitations as recited in the above listed claims, including: a thrombectomy wire (1) having at least one lumen extending therethrough, where at least of portion of a deployable wire (2) is inherently located within the at least one lumen and is coupled to the thrombectomy wire and where at least one deployable wire which is capable of being substantially flush with the thrombectomy wire when the segment 2 is straightened out on the same plane with the wire. The Examiner further asserts that the deployable wire is coupled to the thrombectomy

wire so that rotation of the thrombectomy wire is transmitted to the deployable wire. Applicants respectfully traverse this rejection.

Applicants' representative has studied the Schnepf-Pesch et al. reference and submits that the Examiner has misinterpreted the teaching of this reference. Specifically, the Examiner asserts that the reference shows a thrombectomy wire (1). And that the thrombectomy wire has at least one lumen extending therethrough, where at least a portion of the deployable wire (2) is located within the at least one lumen and is further coupled to the thrombectomy wire. Applicants submit that the wire (1) of Schnepf-Pesch et al. is actually a flexible hollow wire which is formed by helically winding 3 strands, indicated by 2, 3, 4 in Schnepf-Pesch et al. (see, for example, column 5 lines 25-27 and figures 1 and 3). Clearly then, it is quite impossible for the deployable wire (2) (as indicated by the Examiner) to be first inherently located within the lumen of thrombectomy wire (1) and second to be coupled to the thrombectomy wire. In other words, since wire (2) is actually used to form the thrombectomy wire (1) it cannot extend through a lumen of the thrombectomy wire, nor can it be coupled to the same thrombectomy wire. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 5, 6, 22, 23, 25-29, 32, 33, and 35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Jenkins et al. The Examiner asserts that Jenkins et al. disclose in figure 3 a medical instrument for treating a vascular occlusion having the limitations as recited in the above claims. The Examiner asserts that Jenkins et al. disclose a thrombectomy wire (32) having at least one lumen extending therethrough, wherein at least a portion of a deployable wire (12) is inherently located within the at least one lumen and is coupled to the thrombectomy wire. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the Examiner has misinterpreted the teaching of Jenkins et al. Specifically, although the Examiner asserts that Jenkins et al. disclose a thrombectomy wire (32), Applicants submit that what is shown by 32 in Jenkins et al. is a steerable guide sheath which allows for the advancement of the catheter of Jenkins et al. (see, for example, column 7 lines 49-53, and figures 1-7). Moreover, even if the steerable guide sheath (32) of Jenkins et al. could somehow be construed to be a thrombectomy wire (which it cannot), there is no teaching that

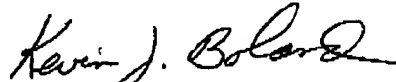
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a deployable wire is coupled to the strearable guide sheath (32). In fact, there is not even a suggestion of this. Accordingly, Applicants respectfully request that this rejection be withdrawn.

As all of the outstanding rejections have been addressed and overcome, Applicants respectfully request issuance of a favorable Office Action on the merits.

Should the Office have any questions, the Office is invited to telephone Applicants' undersigned representative.

Respectfully Submitted,



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